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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bour, David P.; Gardner, Nathan F.; Goetz, Werner K.; Stockman, Stephen A.; Takeuchi, Tetsuya; Hasnain, Ghulam; Kocot, Christopher P.; Hueschen, Mark R.

Assignee: LumiLeds Lighting, U.S. LLC

Title: Light Emitting Diodes With Graded Composition Active Regions

Serial No.: 09/912,589 Filing Date: July 24, 2001

Examiner: unknown Group Art Unit: unknown

Docket No.: M-8772 US

San Jose, California

BOX NON-FEE
COMMISSIONER FOR PATENTS
Washington, D. C. 20231

DECLARATION OF APPLICANTS' AGENT PURSUANT TO 37 C.F.R. §1.131

Dear Sir:

Mark E. Schmidt declares as follows:

1. I am a patent agent in the firm of Skjervén Morrill MacPherson LLP, 25 Metro Drive, San Jose California, and was responsible for preparing the above-referenced application (the "Application"). The Application was prepared for our firm's client, LumiLeds Lighting, U.S. LLC.

2. Attached hereto as Exhibit A and Exhibit B are portions of two figures included in invention disclosure material that I used in preparing the Application. I received these figures prior to June 7, 2001. Exhibit A shows a simulated band structure for a portion of a light emitting device covered by independent Claims 1, 9, 18, and 25 of the Application. Exhibit B shows a simulated band structure for a portion of a light emitting device covered by Claims 1 and 9 of the Application.

LAW OFFICES OF
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3. On March 20, 2001, I mailed an initial draft of the Application to Dr. N. Gardner for his review. The transmittal of the draft Application is evidenced by a letter, a copy of which is in our firm's files.

4. It is my understanding that, during the time period from Dr. Gardner's receipt of my letter of March 20, 2001, until about July 11, 2001, Dr. Gardner was engaged in reviewing the initial draft of the Application. It is also my understanding that during this time period, Dr. Gardner attended the conference "Numerical Simulations of Optoelectronic Devices" from March 26, 2001 to March 27, 2001, and took vacation from March 30, 2001 to April 2, 2001, May 24, 2001 to May 28, 2001, June 13, 2001 to June 18, 2001, and on July 6, 2001.

5. On July 11, 2001 I met with Dr. Gardner to discuss his comments on the initial draft of the Application. On July 12, 2001 and July 13, 2001 I revised the Application. I sent a revised draft of the Application to Dr. Gardner by facsimile on July 13, 2001. This activity is reflected in my daily time logs for those dates, copies of which are attached hereto as Exhibits C, D, and E.

6. It is my understanding that during the time period from Dr. Gardner's receipt of the revised draft of the Application until about July 23, 2001, Dr. Gardner was engaged in reviewing the revised draft of the Application. It is also my understanding that during this time period Dr. Gardner attended the International Conference on Nitride Semiconductors from July 16, 2001 to July 20, 2001.

7. On July 24, 2001 I made additional revisions to the Application in accordance with comments received by email from Dr. Gardner on July 23, 2001. I also had a telephone conversation with Dr. Gardner in which he approved filing the Application. The Application was filed later that day. This activity is reflected in my time log for that date, a copy of which is attached hereto as Exhibit F.

The declarant further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and

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the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 10/29/01

EXPRESS MAIL LABEL NO:

EL 884 816 631 US

Respectfully submitted,

Mark E. Schmidt

Mark E. Schmidt
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